

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SPRINGFIELD SCHOOL COMMITTEE,)	
Plaintiff)	
)	
v.)	C.A. 08-CV-30132-MAP
)	
QUETZAL DOE, ET AL.,)	
Defendants)	

MEMORANDUM AND ORDER RE:
REPORT AND RECOMMENDATION WITH REGARD TO
CROSS-MOTIONS FOR SUMMARY JUDGMENT
(Dkt. Nos. 15, 25, 28 & 31)

June 8, 2009

PONSOR, D.J.

This is an action brought by the Plaintiff Springfield School Committee, following a decision on June 4, 2008 by the Bureau of Special Education Appeals of the Massachusetts Department of Education. ("BSEA"). The complaint names both a student with the pseudonym "Quetzal Doe" ("Doe") and the BSEA. The parties filed Cross-Motions for Summary Judgment, which were referred to Magistrate Judge Kenneth P. Neiman for report and recommendation.

On May 11, 2009, Judge Neiman issued his Report and Recommendation, to the effect that Defendants' motions should be allowed and Plaintiff's denied. He also recommended that counsel for Defendant Doe be awarded attorney's fees limited to "efforts expended on his behalf in this forum. . . ." Dkt. No. 31 at 23.

The conclusion of the Report and Recommendation admonished the parties that objections to the Report and Recommendation had to be filed within ten days, with the understanding that the failure to file such objections would preclude any further appellate review. See Id. at 24 n. 8. No objections were filed.

Having reviewed the substance of Judge Neiman's Report and Recommendation and finding it meritorious, and noting that there is no objection, the court, upon de novo review, hereby ADOPTS the Report and Recommendation (Dkt. No. 31) .

Based upon this, the court hereby ALLOWS the cross-motions filed by Defendants Doe and BSEA (Dkt. Nos. 15 & 28). Plaintiff's Motion for Summary Judgment (Dkt. No. 25) is hereby DENIED. The court awards counsel for Defendant Doe attorney's fees in the amount of \$4,075.00, covering the work done in federal court. See Dkt. No. 32, Ex. 6.

The clerk is ordered to enter judgment for Defendants, including the award of attorney's fees to Defendant Doe's attorney. The attorney's fee award is to be paid by Plaintiff within thirty days. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge